

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

WALTER APARICIO TOBAR,  
A#205411487,

Petitioner,

v.

CURRENT OR ACTING FIELD OFFICE  
DIRECTOR, et al.,

Respondent.

Case No. [24-cv-08550-SK](#) (PR)

**ORDER OF TRANSFER**

(ECF Nos. 2 & 3)

**I.**

Petitioner Walter Aparicio Tobar, a citizen of Guatemala, filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging his prolonged detention by the United States Immigration and Customs Enforcement (ICE) at the Golden State Annex detention center in McFarland, California.

**II.**

The federal habeas statute expressly limits the power of district courts to grant habeas writs to “within their respective jurisdictions.” 28 U.S.C. § 2241(a). “The plain language of the habeas statute thus confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.” Rumsfeld v. Padilla, 542 U.S. 426, 442 (2004). This district-of-confinement rule is a “bright-line rule” that does not contain any exceptions other than the express statutory carveouts in 28 U.S.C §§ 2241(d) and 2255. Id. at 443, 449-50. The Ninth Circuit has affirmed the application of the bright-line district-of-confinement rule to habeas petitions challenging the fact or duration of a sentence under § 2241. See, e.g., Muth v. Fondren, 676 F.3d 815, 818 (9th Cir. 2012) (“§ 2241 petitions must be filed in the district where the petitioner is confined”); Stephens v. Herrera, 464 F.3d 895, 897 (9th

1 Cir. 2006) (“§ 2241 petition must be filed in the district where the petitioner is in custody”). And  
2 recently made clear that the rule also applies to habeas petitions challenging immigration  
3 detention. See Doe v. Garland, 109 F.4th 1188, 1199 (9th Cir. 2024) (holding petition by  
4 immigration detainee challenging his detention is a “core habeas petition” and must be filed in the  
5 district of confinement under Padilla).

6 Petitioner is detained at the Golden State Annex detention center in McFarland, California  
7 in the County of Kern, which lies within the venue of the Eastern District of California. See 28  
8 U.S.C. § 84(b). Under the rationale of Doe v. Garland, jurisdiction/venue for this habeas  
9 challenge to Petitioner’s immigration detention lies only in the Eastern District of California. See  
10 109 F.4th at 1199.

11 **III.**

12 For the foregoing reasons, the petition for a writ of habeas corpus under 28 U.S.C. § 2241  
13 and motions for leave to proceed in forma pauperis and for appointment of counsel therein (ECF  
14 Nos. 2 & 3) are TRANSFERRED to the United States District Court for the Eastern District of  
15 California.

16 The clerk is instructed to transfer this case forthwith.

17 **IT IS SO ORDERED.**

18 Dated: December 10, 2024

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20 SALLIE KIM  
21 United States Magistrate Judge  
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